



DOUGLAS A. DUCEY
GOVERNOR

STATE OF ARIZONA
OFFICE OF THE GOVERNOR

EXECUTIVE OFFICE

April 11, 2018

The Honorable Michele Reagan
Secretary of State
1700 W. Washington, 7th Floor
Phoenix, AZ 85007

Dear Secretary Reagan:

I am transmitting to you the following bills from the Fifty-third Legislature, 2nd Regular Session, which I signed on April 11, 2018:

HB 2006 minimum age; marriage (Ugenti-Rita)
HB 2042 insurance coverage; telemedicine; urology (Carter)
HB 2047 workers' compensation; employee definition; LLCs (Livingston)
HB 2152 fingerprinting; joint powers authority (John)
HB 2154 personal information; data security breaches (Shope)
HB 2184 secretary of state; counties; rulemaking (Coleman)
HB 2216 schools; dropout recovery programs; report (Leach)
HB 2238 administrative decisions; review; scope (Farnsworth, E.)
HB 2244 dangerous crimes; children; fictitious age (Farnsworth, E.)
HB 2305 vehicle dealers; franchise regulations (Campbell)
HB 2323 schools; inhalers; contracted nurses (Carter)
HB 2342 off-highway vehicles; definition; user indicia (John)
HB 2464 sale of eggs; expiration date (Norgaard)
SB 1041 residency restrictions; sex offenders; victims (Kavanagh)
SB 1281 street lighting improvement districts; consolidation (Kavanagh)
SB 1355 border security trust fund; repeal (Griffin)
SB 1382 TPT; online lodging marketplace; registration (Kavanagh)
SB 1386 high-tech tax fraud (Farnsworth, D.)
SB 1395 temporary custody without court order (Barto)
SB 1421 environmental quality; amendments (Griffin)
SB 1436 prohibition; criminal history; occupational regulation (Burgess)
SB 1465 sober living homes; certification (Brophy McGee)

Sincerely,

A handwritten signature in black ink, reading "Douglas A. Ducey". The signature is written in a cursive, flowing style with a large initial "D".

Douglas A. Ducey
Governor
State of Arizona

cc: Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service

House Engrossed Senate Bill

FILED

MICHELE REAGAN

SECRETARY OF STATE

State of Arizona
Senate
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 191
SENATE BILL 1395

AN ACT

AMENDING SECTION 8-821, ARIZONA REVISED STATUTES; RELATING TO DEPENDENT CHILDREN.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 8-821, Arizona Revised Statutes, is amended to read:

8-821. Taking into temporary custody; medical examination; placement; interference; violation; classification; definition

A. A child shall be taken into temporary custody only pursuant to one of the following:

1. An order of the superior court.
2. Subsection D of this section.
3. The consent of the child's parent or guardian.

B. The superior court, on a dependency petition FILED by an interested person, a peace officer, a child welfare investigator or a child safety worker under oath or on a sworn statement or testimony by a peace officer, a child welfare investigator or a child safety worker, may issue an order authorizing the department to take temporary custody of a child on finding that ~~reasonable grounds exist~~ PROBABLE CAUSE EXISTS to believe that temporary custody is clearly necessary to protect the child from suffering abuse or neglect and it is contrary to the child's welfare to remain in the home.

C. If a child is taken into temporary custody pursuant to this section, the child's sibling shall also be taken into temporary custody only if ~~reasonable grounds independently exist~~ INDEPENDENT PROBABLE CAUSE EXISTS to believe that temporary custody is clearly necessary to protect the child from suffering abuse or neglect.

D. A child may be taken into temporary custody without a court order by a peace officer, a child welfare investigator or a child safety worker if temporary custody is clearly necessary to protect the child because EXIGENT CIRCUMSTANCES EXIST. ~~probable cause exists to believe that the child is either:~~

~~1. A victim or will imminently become a victim of abuse or neglect in the time it would take to obtain a court order.~~

~~2. Suffering serious physical or emotional injury that can only be diagnosed by a medical doctor or psychologist.~~

~~3. Physically injured as a result of living on premises where dangerous drugs or narcotic drugs are being manufactured. For the purposes of this paragraph, "dangerous drugs" and "narcotic drugs" have the same meanings prescribed in section 13-3401.~~

~~4. Reported by the department to be a missing child at risk of serious harm.~~

E. In determining if a child should be taken into temporary custody, the court, peace officer, child welfare investigator or child safety worker shall take into consideration:

- ~~1.~~ as a paramount concern the child's health and safety.

1 ~~2. Whether the parent is willing to participate in any services~~
2 ~~that are offered to the parent.~~

3 F. A person who takes a child into custody ~~pursuant to subsection~~
4 ~~D, paragraph 2~~ BECAUSE AN EXIGENT CIRCUMSTANCE DESCRIBED IN SUBSECTION K,
5 PARAGRAPH 2 of this section EXISTS shall immediately have the child
6 examined by a ~~medical doctor or psychologist~~ PHYSICIAN WHO IS LICENSED
7 PURSUANT TO TITLE 32, CHAPTER 13 OR 17 OR A HEALTH CARE PROVIDER WHO IS
8 LICENSED PURSUANT TO TITLE 32 AND WHO HAS SPECIFIC TRAINING IN EVALUATIONS
9 OF CHILD ABUSE. After the examination the person shall release the child
10 to the custody of the parent or guardian of the child unless the
11 examination reveals abuse ~~or neglect~~. Temporary custody of a child taken
12 into custody ~~pursuant to subsection D, paragraph 2~~ BECAUSE AN EXIGENT
13 CIRCUMSTANCE DESCRIBED IN SUBSECTION K, PARAGRAPH 2 of this section EXISTS
14 shall not exceed twelve hours.

15 G. A child who is taken into temporary custody pursuant to this
16 article shall not be ~~detained~~ HELD in a police station, jail or lockup
17 where adults OR JUVENILES WHO ARE charged with or convicted of a crime are
18 detained.

19 H. A child shall not remain in temporary custody for more than
20 seventy-two hours excluding Saturdays, Sundays and holidays unless a
21 dependency petition is filed.

22 I. TO EXECUTE AN ORDER AUTHORIZING TEMPORARY CUSTODY, A PEACE
23 OFFICER MAY USE REASONABLE FORCE TO ENTER ANY BUILDING IN WHICH THE PERSON
24 NAMED IN THE REMOVAL AUTHORIZATION IS OR IS REASONABLY BELIEVED TO BE.

25 ~~I.~~ J. A person who knowingly interferes with the taking of a child
26 into temporary custody under this section is guilty of a class 2
27 misdemeanor.

28 K. FOR THE PURPOSES OF THIS SECTION, "EXIGENT CIRCUMSTANCES" MEANS
29 THERE IS PROBABLE CAUSE TO BELIEVE THAT THE CHILD IS LIKELY TO SUFFER
30 SERIOUS HARM IN THE TIME IT WOULD TAKE TO OBTAIN A COURT ORDER FOR REMOVAL
31 AND EITHER OF THE FOLLOWING IS TRUE:

32 1. THERE IS NO LESS INTRUSIVE ALTERNATIVE TO TAKING TEMPORARY
33 CUSTODY OF THE CHILD THAT WOULD REASONABLY AND SUFFICIENTLY PROTECT THE
34 CHILD'S HEALTH OR SAFETY.

35 2. PROBABLE CAUSE EXISTS TO BELIEVE THAT THE CHILD IS A VICTIM OF
36 SEXUAL ABUSE OR ABUSE INVOLVING SERIOUS PHYSICAL INJURY THAT CAN BE
37 DIAGNOSED ONLY BY A PHYSICIAN WHO IS LICENSED PURSUANT TO TITLE 32,
38 CHAPTER 13 OR 17 OR A HEALTH CARE PROVIDER WHO IS LICENSED PURSUANT TO
39 TITLE 32 AND WHO HAS SPECIFIC TRAINING IN EVALUATIONS OF CHILD ABUSE.

APPROVED BY THE GOVERNOR APRIL 11, 2018

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 11, 2018

Passed the House April 4, 2018,

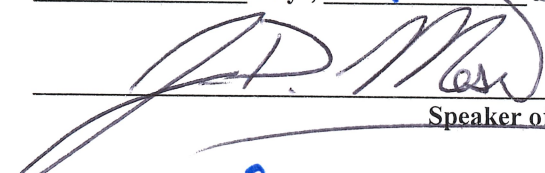
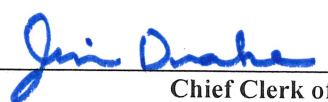
Passed the Senate March 1, 2018,

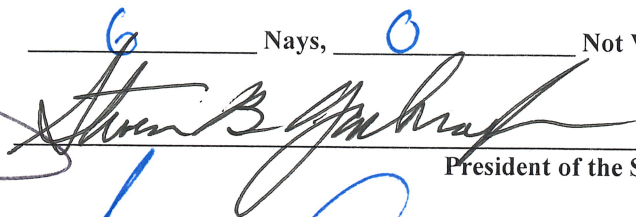
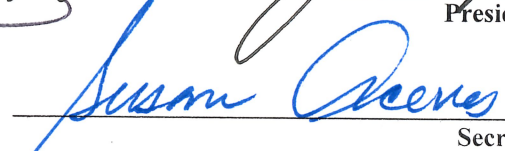
by the following vote: 59 Ayes,

by the following vote: 24 Ayes,

0 Nays, 1 Not Voting

6 Nays, 0 Not Voting


Speaker of the House

Chief Clerk of the House


President of the Senate

Secretary of the Senate

~~EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR~~

~~This Bill was received by the Governor this~~

~~_____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary to the Governor~~

~~Approved this _____ day of~~

~~_____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Governor of Arizona~~

S.B. 1395

~~EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE~~

~~This Bill was received by the Secretary of State~~

~~this _____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary of State~~

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 9, 20 18

by the following vote: 27 Ayes,

1 Nays, 2 Not Voting

John B. Parkinson
President of the Senate

Joselyn Adams
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

9th day of April, 20 18

at 5:00 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 11th day of

April 2018

at 9:45 o'clock P. M.

Rangel A. Juncos
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 11 day of April, 20 18

at 4:50 o'clock P. M.

Michelle Reagan
Secretary of State

S.B. 1395